

Exhibit 9

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4

U.S. COMMODITY FUTURES

5 TRADING COMMISSION,

6 Plaintiff,

7 vs.

Case No.

13 Civ. 1174(VSB)

8 WILLIAM BYRNES, CHRISTOPHER

CURTIN, THE NEW YORK

9 MERCANTILE EXCHANGE, INC.

and ROB EIBSHUTZ,

10 Defendants.
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14

15 DEPOSITION OF RALPH CUSUMANO

16 New York, New York

17 Friday, October 2, 2015
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23 Reported by:

SHAUNA STOLTZ-LAURIE, RPR, CLR

24 CSR NO. 810490

25 JOB NO. 98363

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October 2, 2015

9:44 a.m.

Deposition of RALPH CUSUMANO, held
at the offices of U.S. Commodity Futures
Trading Commission, 140 Broadway, New
York, New York, pursuant to Notice,
before Shauna Stoltz-Laurie, Registered
Professional Reporter, Certified
Realtime Reporter, and a Notary Public
of the State of New York.

1 Cusumano

2 desk is fielding one twenty five to one
3 fifty calls a day, the facilitation desk
4 is fielding 50 to 75; is that correct?

5 "Answer: Yes.")

6 MR. ABERNETHY: Thank you.

7 Q. Just to clarify, that 50 to 75
8 calls falls within that larger number of one
9 twenty five to one fifty; is that correct?

10 A. Yes.

11 Q. Now, the staff on the ClearPort
12 Facilitation Desk, there were different
13 categories of people working the desk,
14 correct?

15 A. Yes.

16 Q. There was an analyst?

17 A. Yes.

18 Q. What were the analyst's
19 responsibilities?

20 A. Analyst was the lowest level
21 position we had. He would answer the phones
22 and assist the customers with whatever they
23 asked.

24 Q. Okay. What would be the next level
25 up from Analyst?

1 Cusumano

2 A. There was a senior analyst. He
3 would be responsible for supporting the
4 analyst if the analyst needed support. There
5 were a thousand different things that an
6 analyst did, so some of them, you know,
7 happened routinely day to day; some of them
8 happened as a one-off. On rare occasion the
9 senior analyst would be more -- a more senior
10 employee who's there longer and see more and
11 would be able to assist an analyst if he
12 needed assistance.

13 Q. And what would be above a senior
14 analyst?

15 A. Back then I think it was a
16 supervisor?

17 Q. Are you familiar with the term Lead
18 Analyst?

19 A. Lead Analyst was a CME term which
20 came about after. They had -- they had
21 different layers. We only had Analyst,
22 Senior, and then we went to Supervisor. They
23 had Lead, Lead 1, Lead 2, so it was all a
24 progression of kind of the more you knew, the
25 higher your title.

1 Cusumano

2 (speaking simultaneously) --

3 Q. How about --

4 A. -- information.

5 Q. I apologize.

6 (Discussion off the record.)

7 A. -- clearing information.

8 Q. How often were the ClearPort staff
9 making nextday corrections?

10 A. Approximately ten to fifteen
11 corrections a day.

12 Q. Is that for the desk as a whole, or
13 each member of the desk?

14 A. The desk as a whole.

15 Q. Moving on to another system, are
16 you familiar with the system called the RAV
17 Manager?

18 A. Yes.

19 Q. What is that?

20 A. RAV Manager is the system that the
21 clearing members used to create information
22 accounts for the trading house.

23 Q. Can you explain what you mean by
24 "create information accounts."

25 A. So Merrill Lynch does business for